**THE HONOURABLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITION No.3490 OF 2006**

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**Dated: 23-02-2006**

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**Between**

Swargam Rajamma,

W/o. Late Chandraiah,

R/o. Velugupally,

Thungathurthy Mandal,

Nalgonda District.

...PETITIONER

**AND**

The Special Dy. Collector

and R.D.O, (Land Acquisition)

Sriram Sagar Project, Phase II

Suryapet, Nalgonda and

Others.

...RESPONDENTS

**ORDER:**

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Learned counsel for the petitioner submits that the petitioner is the owner and possessor of the land admeasuring Ac.5.36 guntas in S.No.608/A, Ac.2.35 guntas in S.No.609/A, Ac.6.32 guntas in S.No.610/A aggregating to Ac.15.23 guntas, in which a mango orchard is grown. He further submits that the second respondent visited the land of the petitioner along with his officials some time back and indicated the area through which a distributory of Sriram Sagar right canal would pass. He further submits that the second respondent is also taking steps to dig the earth from the land of the petitioner for the purpose of excavating

distributory through the said land.

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader for Irrigation appearing for the respondents.

I am of the opinion that if the said land is required for public purpose, there cannot be any objection for the petitioner or any owner of the private land in question provided that the same is acquired by initiating the proceedings under the Land Acquisition Act, 1894. But without acquiring the same, no part of the private land can be taken away and the right of the petitioner cannot be deprived without following due process of law.

Having regard to the facts and circumstances of the case,
the respondents are directed not to dispossess the petitioner or interfere with the right and enjoyment of the petitioner over the said land in question without following the due procedure prescribed under law.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

February 23, 2006

SHR